

**EL DORADO COUNTY
COMMUNITY DEVELOPMENT AGENCY
ENVIRONMENTAL MANAGEMENT DIVISION**

IN RE: Heavenly Creek Station
Water System No.- 0900660

ATTN: Heavenly Valley
P.O. Box 2180
Stateline, NV 89449

CITATION NO. 01_39_16C_001_0900660_22

**VIOLATION OF MAXIMUM CONTAMINANT LEVELS
FOR TOTAL COLIFORM BACTERIA**

TITLE 22, CALIFORNIA CODE OF REGULATIONS, SECTION i.e. 64426.1(b)(2)

ISSUED ON February 8, 2017

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for failure to comply with a requirement of the California Safe Drinking Water Act, California Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270 (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The County of El Dorado Community Development Agency, Environmental Management Division (hereinafter "Division"), hereby issues a citation to the (mailing address: P.O. Box 2180, Stateline, NV 89449) (hereinafter "Water System") for violation of Title 22 of the California Code of Regulations ("CCR"), Section i.e. 64426.1(b)(2).

APPLICABLE AUTHORITIES

Section 116650 of California Health and Safety Code provides:

(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Title 22, California Code of Regulations, Section 64426.1(b)(2) provides in relevant part: (b) A public water system is in violation of the total coliform MCL when any of the following occurs: (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive.

STATEMENT OF FACTS

The Water System is operated under Water Supply Permit No. 0900660, issued on June 30, 2016.

The Water System is a non-transient non-community water system serving Stein's, Upper Vehicle Maintenance Shop, a new ski patrol maintenance building, and the restaurant at the top of the tram (Lake View Lodge/Booyah's). The Water System source of supply is a 350-foot deep well that serves untreated groundwater.

Title 22, CCR, Section 64423(a)(2) specifies the number of monthly samples required based on the known population served as shown in Table 64423-A. Heavenly Creek Station Water System is required to collect a minimum of two samples per month to determine compliance with the maximum contaminant level (MCL) for total and fecal coliform bacteria.

A routine sample collected on October 11, 2016 tested positive for total coliform bacteria, and three out of four repeat samples collected on October 13, 2016 tested positive for total coliform bacteria. One of the repeat positive samples was from the well.

The operator immediately consulted with the Division on October 14, 2016 for direction and prepared and posted a notice for public notification. The well was chlorinated on October 14, 2016. On October 19, 2016 additional repeat samples were taken and the well sample continued to test positive for coliform bacteria while the remaining samples tested negative for bacteria. The well was re-chlorinated. On October 24, 2016 all four repeat samples tested negative for bacteria.

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DETERMINATION

Based on the above, the Division has determined that the Water System violated Title 22 CCR Section 64426.1(b)(2) which specifies that a public water system is in violation of the total coliform MCL if more than one sample collected during any month is total coliform-positive. The results of the sample analysis for the Water System indicated that more than one sample collected during the month of October 2016 was total coliform positive.

DIRECTIVES

The Water System is hereby directed to take the following actions:

1. Comply with Title 22 CCR Section 64426.1 in all future monitoring periods.
2. Within thirty (30) days of the issuance of this Citation, notify all persons served by the Water System of the total coliform MCL violation in conformance with Title 22 CCR Sections 64426.1(c) and 64463.4. *Completed: The water operator provided public notification October 14, 2016.*
3. Complete and return Attachment A "Certification of Completion of Public Notification" form to the Division within ten (10) days of receiving this citation.
4. In accordance with Title 22 CCR Section 64426(b)(2) and the Federal Revised Total Coliform Rule, conduct and submit a Level 1 assessment (Attachment B) that was due to be completed by November 14, 2016.
5. Within thirty (30) days of receipt of this Citation, the Water System shall submit a written response to the Division indicating its willingness to comply with directives of this Citation.

The Division reserves the right to make such modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation, and shall be deemed effective upon issuance.

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Nothing in this Citation relieves Water System of its obligation to meet the requirements of the California SDWA, or of any regulation, permit, standard, or order issued or adopted thereunder.

All submittals required by this Citation shall be submitted to the Division at the following address:

Jeffrey Warren, REHS
Environmental Management Programs Manager
El Dorado County
Community Development Agency
Environmental Management Division
2850 Fairlane Court, Bldg C
Placerville, CA 95667
(530) 621-7628

PARTIES BOUND

This Citation shall apply to and be binding upon the Heavenly Creek Station, its officers, directors, shareholders, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the Division to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order

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issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the Superior Court to take various enforcement measures against a public water system that has failed to comply with or violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

2/8/17
Date

Jeffrey Warren
Jeffrey Warren, REHS
Environmental Management Programs
Manager
El Dorado County
Community Development Agency
Environmental Management Division

Attachments:

- A. Certification of Completion of Public Notification
- B. Level 1 Assessment Form

cc: Ali R. Rezvani, P.E.
Sacramento District Engineer
Division of Drinking Water
State Water Resources Control Board